

Application No.: 10/618,441

Docket No.: 01780/100G910-US3

**REMARKS**

Claims 50-69 and 73-79 are pending. Claims 50-64 have been allowed. Claims 70-72 were inadvertently canceled without prejudice in the response mailed October 12, 2004. New claims 80-82 have been added. New claim 80 corresponds to canceled claim 70, but is written in independent claim format. Support for new claim 80 can be found at original claims 1 and 70. New claims 81 and 82 correspond to original claims 71 and 72, respectively. Support for claims 80-82 can also be found in the specification at page 31, lines 1-21.

**Rejection of Claims 70-72 Under 35 U.S.C. § 103(a)**

Claims 70-72 were rejected under 35 U.S.C. § 103(a) as obvious over Mlynash et al., U.S. Patent No. 6,615,075 ("Mlynash"). The following argument relates to new claims 80-82, which correspond to claims 70-72, respectively.

Mlynash discloses construction of a template by the acquisition of multiple potential template signals, which are compared to a dominant QRS morphology (Mlynash col. 9, lines 39-40; col. 10, lines 22-37). According to Mlynash, the template can be "updated and enhanced by adding new template signals" (Mlynash, col. 9, lines 43-46), if the new template signal correlates adequately with the dominant QRS morphology (Mlynash, col. 10, lines 33-37).

Electrocardiac waveforms acquired from different leads differ markedly in their morphology (see, for example, Figures 7 and 8). Such markedly different waveform morphologies can not form a template according to Mlynash because they can not all correlate with a dominant QRS morphology. Although Mlynash discloses the acquisition of multiple electrocardiac signals for construction of a template, the template is represented by one composite waveform segment. See, for example, Mlynash, Figure 8.

The template of present claims 80-82 includes a "set of waveform segments." Accordingly, this template is not one composite waveform segment, as in Mlynash, but a "set" of waveform segments (i.e., greater than one) (specification page 31, lines 1-21 and Figure 11). Thus,

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the template according to claims 80-82 can include markedly different waveforms, which are acquired from a plurality of leads. Mlynash does not disclose or suggest such a template, which is a set of waveform segments.

### Conclusion

No new matter has been added. All of the pending claims in this application are believed to be in condition for allowance. Entry and consideration of these amendments and remarks are therefore respectfully requested.

The Commissioner is authorized to charge any deficiency of up to \$300.00 to Deposit Account No. 040100.

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Respectfully submitted,

By 

Paul M. Zagar, M.D.

Registration No.: 52,392

DARBY &amp; DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant